

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, SEPTEMBER 08, 2020

I. CALL TO ORDER

Mayor Ladwig called the Webex virtual meeting to order at 4:30pm. Council members in attendance: Ladwig, Miller, West, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner, Trever Parker. Approximately 32 people were participating.

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION – Closed session will begin at the close of the open session.

Ladwig reported from the August closed session that the Council held a very inclusive and productive evaluation regarding the operation of the City.

IV. APPROVAL OF THE AGENDA

Clompus requested to pull the water usage report from the staff report for discussion.

Davies requested pulling the ASBS item from Consent for discussion.

Clompus explained that he reviewed the Water Usage and Loss report, and calculated a retail rate of the water reported as being lost. What is the City doing about this? I'm available to help however I can.

City Engineer Steve Allen explained that the City's water loss is higher than average, and there are opportunities to reduce leakage in the system that the Public Work's Department performs on a regular basis. We also are always looking for grant funding to help the City identify and replace problem areas. City Manager Naffah noted that the City is working on a capital improvement plan that may help the City identify grant programs or funding sources to help repair aging water line sections and meters. We will utilize the Grant Administrator to find grants, the Water Department to determine costs, and the City Manager to coordinate the efforts.

Jacque Hostler-Carmeson – Trinidad Rancheria

The Rancheria has offered partnership on water system issues, and has done this successfully in the past. If the desire to work with the Rancheria is there, we are capable of applying for grants that can help the City.

*Motion (Grover/Clompus) to approve the agenda as amended. **Passed unanimously.***

V. WORKSHOP SESSION

1. Van Wycke Trail, Big Picture Workshop (4:30-5:45pm)

This discussion is being held for sharing information and ideas regarding the separate, but inter-related project tracks involving the Van Wycke Street right-of-way including utility stabilization and pedestrian connectivity to the beach and harbor area of town. There will be no Council action during this discussion, but the aim is to share information and ideas that will lead to a productive discussion later on in the more formal session of the meeting, specifically Discussion Agenda Item 1.

City Planner Trever Parker gave a brief background on the project and summarized the issues that need to be addressed. City Engineer Steve Allen explained the proposed solutions, the limited funding options, and past design options, phases, and re-designs.

Public comments/questions included:

Dwight Miller – Trinidad

In 2012 the Council actively looked into options and provided direction to Staff. Insufficient attention has been given to the displacement of the Tsurai people. However, all people in 2020 should plan to move forward in sharing the coast as the Coastal Commission wishes. Abandoning the trail leaves only one path to the beach along a busy roadway. The City should consider establishing the Van Wycke trail as a Tsurai Memorial trail. I had not heard of cultural resources along the slumping area of the Van Wycke trail until recently.

Margaret Stofsky – NAACP Volunteer

If this was a Catholic or Methodist cemetery, would this discussion be occurring? If there will be no decision during this workshop, will there be a decision tonight during the 6pm session. Ladwig confirmed that there will be no decision made about this part of the project tonight.

Bryce Kenny – Trinidad

I'm a trail advocate. I don't need anything fancy. A berm was placed along Edwards Street to reduce stormwater runoff. If we removed the asphalt at the top of the road, we might not need an I-beam utility bridge to hold the stormwater drain. I'd like to see a volunteer team to make the trail usable. No permits would be needed from the Coastal Commission that way.

Anita Thompson - Trinidad

What is the status and timeline for the emergency bypass water line?

Cheryl Kelly – Trinidad

The grant makes sense. Could we look into a scenario where the City goes out to bid with minimally invasive, practical solution? We want to keep the trail open without a big retaining wall.

Richard Bruce – Trinidad

I support keeping the trail open, keeping pedestrians off Edwards as much as possible, and prefer a minor, non-intrusive option. I want to hear more about pedestrian bridge options. Would it make sense to install concrete footings and a second I-beam in case the City later decides to go that route. Suggest not removing the retaining wall on the slumping section of Van Wycke.

Neal Steinberg – Trinidad

Keep the drain in place, please. It keeps water off my property during rainstorms.

Joseph James – Yurok Tribal Chairman

I'm a bike and trail fan, but it is important to protect cultural resources in that area and am here tonight to speak on behalf of the Tribe. I'm also looking forward to our Government-to-Government meeting in the near future.

Rosie Clayburn – Yurok Tribe

Our priority is protecting our resources. We sent a detailed letter to the City back in January, and our position still stands.

City Engineer Steve Allen explained that the visual and structural issues made the full pedestrian bridge/walkway unfeasible. Also, removing the storm drain will not be effective. The City has to deliver change-of-scope right away in order to move ahead and be able to deliver the project within the allotted timeframe.

Mayor Ladwig encouraged the public to print out the document that the City Planner produced for tonight's meeting that lays out the four main issues (or tracks) that we're faced with. The City will pursue grant funding for the Connectivity Project as we're at the end of the timeline.

Workshop concluded at 5:50pm. The Regular meeting convened at 6:00pm.

VI. APPROVAL OF MINUTES – 08-11-2020 cc minutes will be approved at the October 13 meeting.

VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

Grover: Attended RCEA meeting. Looking forward to attending the offshore wind webinar next week. Candidate for the Council seat on the November election.

Clompus: No report.

Davies: Trails Committee will meet on September 21 to discuss the Trails Policy.

Ladwig: I did not attend any meetings due to quorum issues. Public Works painted the south curb along Edwards Street red and spoke with the Sheriff about congestion and overnight parking on Edwards.

West: HCAOG continued discussion regarding Last Chance Grade. Environmental review process should be complete in 2026.

VIII. STAFF REPORTS – City Manager & Law Enforcement

City Manager Eli Naffah noted the highlights listed in the packet report and noted the League of Cities conference that will be held in October via webinar.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Anita Thompson – Trinidad

Is there a City ordinance regarding overnight parking? Ladwig noted that it is a well-documented County Ordinance. We need signage.

Sheri Provolt – Yurok Tribal Council

Thanked the Council for the pre-meeting workshop. It is a great starting point.

Sarah Lindgren-Akana – Tsurai Ancestral Society

Will the Gov2Gov meeting scheduled with the Yurok Tribe including the Van Wycke Trail?

Dorothy Cox – Trinidad

Address the ugliness that occurred with people sleeping in vehicles all throughout town, and parties/mayhem everywhere, including launcher beach. What was our police coverage like that night?

X. CONSENT AGENDA

1. Staff Activity Report – August 2020
2. Financial Statements – July 2020
3. Law Enforcement Report – August 2020
4. November General Election Update & Candidate Nominees
5. ASBS Storm Water Project Update

*Motion (Clompus/Grover) to approve the consent agenda as written. **Passed unanimously.***

X. DISCUSSION/ACTION AGENDA ITEMS

1. Continued Discussion/Decision regarding Van Wycke Trail Connectivity Project Revised Design Concept.
City Engineer Steve Allen explained that the revised design is based on feedback from the public and direction from the Council to exclude the retaining wall trail repair from the project. The connectivity project is now being routed down Edwards and Galindo, now including a sidewalk, curb, and gutter along Edwards. There will still be parking on the North side, along with a bike lane as indicated in the draft concept plans included in the meeting packet. A high-visibility crosswalk at Hector is also included, along with other safety markings along the roadway to make walking and crossing the street easier. Vista Points are also included.

City Manager Naffah explained that he did not want to lose the grant opportunity of investing nearly \$700,000 worth of safety enhancements into the City. After a second project extension, we are at risk of losing funding if we don't submit a revised concept. I also want to make sure that the Tribal entities and other sectors of our greater community are included in the process.

Council questions included:

Clompus: The new plan includes a sidewalk along Edwards. How will that impact the properties along the proposed construction area? Allen explained that there wasn't an abundance of landscaping in the city right-of-way, and the grant would help pay for driveway interfacing with the new City improvements.

Davies: What will the lane width be? I did not see stakeholder meeting notes in the packet as part of this discussion. We need to see those notes. Allen explained that an average lane width is 12.5 feet, and a traffic-calming lane width would be between 11-12 feet. An 11 ft. lane does not prohibit commercial traffic.

Public comment included:

Dick Bruce – Trinidad

Submitted written comments included in the meeting record. I support moving forward with the project as long as the trail isn't closed. Removing the existing retaining wall seems to be the first step in letting the trail slide. Adding vista points seem like another attempt to closing the trail. I avoid the busy corridor of Edwards Street by walking the Van Wycke trail route.

Meg Stofsky – NAACP Volunteer

Accused the City of not including complete documentation in the packet.

Steve Madrone – County Supervisor

Repairing Van Wycke trail can be done with very minor work and cost less than \$10,000 if you follow my plan. Move the 6' water line up to Edwards.

Sarah Lindgren-Akana – Tsurai Ancestral Society

There should be no decision until the City meets with the Yurok Tribe for a Government-to-Government meeting.

Council comments included:

Davies: I'm against removing the retaining wall. We should be considering the cumulative impacts with all these projects. I support improving the utility infrastructure, but it feels like we're scrambling to use this money. I don't support this project. All comments from many years of discussions should be included for public review. I see vista points, fencing, etc. to be ways of closing the trail.

West: I disagree with Davies, but I don't disagree that we should keep the trail. This is a great plan to make Edwards Street safer, and this project has a lot to offer. The fences protect cultural resources, and vista points will enhance the trail system. It is very important to get feedback from the Yurok and Tsurai.

Grover: The trail is very unsafe. It's time to direct Staff to change the project scope and keep it moving.

Clompus: The Connectivity project is separate from the trail. Moving people safely to the beach is necessary, and I'm supportive of the project with removal of the sticking point – the trail itself.

Ladwig: This design re-do removes the sticking point – the Van Wycke trail. We aren't committing to removing the trail forever, but for the sake of this project, it has been excluded from the list.

Public comment part II

Dick Bruce – Trinidad

As I mentioned in my comments, it looks like the City is removing the trail.

Ladwig: Please focus on the proposed scope change. There is no evidence to support that the City is quietly working to remove the Van Wycke trail.

Davies: Our job is to listen and say thank you very much.

Bryce Kenny – Trinidad

Remove the vista points.

Sarah Lindgren-Akana – Trinidad

The TAS has been on the record opposing the project. The City's memory is poor. There already is an alternate route to the beach that is safe. The less visual clutter the better. People visit Trinidad to experience nature. Clutter impacts cultural resources.

Neil Steinberg – Trinidad

I'm in favor of sidewalks. My sister is an amputee and sidewalks help her access places she normally couldn't. They also give a sense of separation between vehicles and pedestrians.

West: We should make it a high priority to compile all records documenting discussions of this project.

*Motion (Grover/West) to authorize staff to request a formal scope change from Caltrans and proceed with design and right of way tasks. **Passed 4-1. No-Davies.***

2. Discussion/Decision regarding Encroachment Permit for Trinidad Coastal Land Trust CCNM Disbursed Coastal Festival. **PULLED FROM THE AGENDA by the Trinidad Coastal Land Trust.** Director Carol Van Dermeer read a statement explaining that the Land Trust will hold the event online instead of in person, due to concern from the public.

3. Discussion/Decision Regarding Resolution 2020-16; Declaring Drought Conditions and Implementing Water Conservation Measures as Defined by Trinidad Municipal Code Chapter 13.08 to Prevent or Mitigate an Emergency.

City Planner explained that the Planning Commission is working on a drought/water shortage contingency plan (WSCP) at the Council's request. The WSCP is still a work in progress, but the Trinidad area is currently experiencing drought conditions, and flows on Luffenholtz Creek are getting low. One of the central parts of the WSCP is the creation of increasingly severe drought or water shortage stages. Each stage has its own set of actions required by both the City and water customers. Although the plan is not yet in effect, some of the principles can be applied using tools the City already has.

Stage 0 represents a normal or above-normal water year.

Stage 1, or Water Shortage Alert Stage, is primarily based on below normal rainfall and the existence of drought conditions in the area (the exact criteria have not yet been set). Rainfall in Eureka is at less than 75% for the water year (Oct. 1 to Sept. 30), and the Trinidad area is classified as being in a moderate drought, with areas just to the north, south and east of the Humboldt coast classified as being in a severe drought (U.S. Drought Portal). Had the WSCP already been in place, this stage would have been enacted earlier in the year based on the low rainfall and drought conditions. Declaration of this stage is intended to trigger increased monitoring and reporting at the water plant, public outreach, voluntary conservation and water waste prohibitions.

Stage 2, or Water Shortage Warning Stage, is intended to be based on a particular low-flow on Luffenholtz Creek, although the most recent draft of the WSCP has not yet set this number. The City has now been measuring and recording flow on Luffenholtz just downstream of the water plant for three or four years, none of which have included drought conditions until now. Under the City's existing water right, the City is required to notify the CA Dept of Fish and Wildlife when the flow gets below 0.86 cubic feet per second (cfs). This may be a reasonable figure on which to base the enactment or declaration of Stage 2.

At their meeting of August 19, 2020, the Planning Commission made a recommendation to the City Council to declare a potential water shortage situation and to implement public outreach and water conservation measures. This was based on the fact that it is a below normal water year, and anecdotal observations that creek levels are getting low. In addition, the City's recent flow measurements indicate that Luffenholtz flows may be at or near 0.86 cfs. However, flow measurements are taken below the City's water plant to ensure required bypass flows are being met, but the 0.86 criteria in the City's water allocation should be measured prior to the City's intake. The City will continue to closely monitor the flow situation on Luffenholtz.

Those familiar with Luffenholtz Creek and the City's water plant ensure us that there is no reason to be alarmed at this point. Luffenholtz Creek has a strong summer baseflow, and there have been no impacts to the City's ability to pump and treat enough water to keep up with current demand. In addition, such impacts are not imminent. However, it is good for people to be aware of the situation and to be prepared in case flows do drop to the point of impacting the pumping capacity. Therefore, staff is recommending that the City Council consider passing the attached Resolution that would implement portions of the City's water rationing ordinance (Chapter 13.08).

Although no emergency currently exists, the water waste prohibitions and public outreach called for in the Resolution are intended to help prevent an emergency from occurring should water levels continue to drop, particularly if rainfall starts late this year.

There was no public comment.

Council comments included:

Davies: What will the public outreach look like?

Parker explained that the City has various methods of communicating with water customers, starting with the water bills. There is also the city website, direct mailing, and posting of flyers or posters in the high-traffic areas of town. The first step the water rationing ordinance calls for is to create a committee of 2 Councilmembers to help coordinate the efforts.

Clompus and **West** volunteered for the committee.

*Motion (Davies/Clompus) to approve Resolution 2020-16 and appoint Councilmember Clompus and West to form the Water Committee. **Passed unanimously.***

4. Discussion/Decision regarding First Reading of Ordinance 2020-01; Extending the .75% Transaction and Use Tax For General Purposes to Continue to be Administered by the California Department of Tax and Fee Administration if Adopted by the Voters at the November General Election.

City Clerk Adams explained that Ordinance 2020-01 is required by the California Department of Tax and Fee Administration (CDTFA) to be in place prior to the election November 03, 2020 General Election, whereby the City of Trinidad voters will be asked whether to extend the .75% Sales Tax another 4-years.

This Ordinance will authorize the CDTFA to postpone efforts to terminate the existing tax rate prior to the sunset date of March 31, 2021, and adopt a new termination date IF the sales tax extension passes successfully in November.

If the measure does not pass, this ordinance will become null and void.

A legal notice was summarized, and published in the Mad River Union a minimum of 5 days prior to this hearing as required. A second notice will be published with the outcome of this hearing, and a second reading of the Ordinance will be heard either at a second meeting in September, or at the October 13 regular meeting – whichever comes first.

The Ordinance will become effective if Measure E passes in November.

There was no public or Council comment.

*Motion (West/Grover) to conduct the first reading of Ordinance 2020-01; Extending the .75% Transaction and Use Tax For General Purposes to Continue to be Administered by the California Department of Tax and Fee Administration if Adopted by the Voters at the November General Election. **Passed unanimously.***

5. Discussion/Decision regarding Councilmember Committees and Assignments.

City Clerk Adams explained that this item was requested by the Council at the August meeting. Councilmembers represent the City on regional boards and committees that serve the community, ranging from transportation (HCAOG) and energy (RCEA), but also on local groups such as the Trinidad Coastal National Monument team and the Trails Committee.

The process of assigning, confirming, or re-assigning Council committee is regularly performed following General Elections every two years when new members are elected. However, there are no requirements that would restrict a sudden 'changing of the guard' prompted by events such as Councilmember resignations, or regular meeting changes that conflict with member schedules.

Newly appointed Councilmember **Richard Clompus** has expressed interest in expanding his role by taking on additional assignments. He was appointed following the resignation of Dwight Miller, and assumed Miller's duties by default through his remaining term (or at least until the November election results are certified and the Council seats are claimed).

Grover: Requested remaining as the primary representative on RCEA, but welcomed Clompus to share the role as the alternate.

No formal decision was made. Clompus will continue representing the City in the roles previously held by Dwight Miller, with the exception of being the primary RCEA representative. The Council will revisit the assignment list following the results of the November election.

XI. FUTURE AGENDA ITEMS

- Stormwater ASBS Project Update
- Town Hall Solar Project Bid Award
- Transient Occupancy Tax Ordinance, First Reading.

XII. ADJOURN TO CLOSED SESSION

2. Pursuant to Government Code, Section 54957: To Consider Real Estate Negotiation – 426 Trinity St.
3. Pursuant to Government Code, Section 54957: Public Employment, City Attorney.

ADJOURNMENT: 8:45pm.

Submitted by:

Approved by:

signed copy on file
Gabriel Adams
Trinidad City Clerk

signed copy on file
Steve Ladwig
Mayor